

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:23-cv-480**

PLANNED PARENTHOOD SOUTH
ATLANTIC; BEVERLY GRAY, M.D., on
behalf of themselves and their patients seeking
abortions,

Plaintiffs,

v.

JOSHUA H. STEIN, Attorney General of
North Carolina, in his official
capacity; et al.

Defendants,

and

PHILIP E. BERGER, President Pro Tempore
of the North Carolina Senate, in his official
capacity; and TIMOTHY K. MOORE, Speaker
of the North Carolina State House, in his
official capacity.

Intervenor-Defendants.

JOINT STIPULATION

On June 16, 2023, Plaintiffs filed a complaint alleging that various provisions of N.C. Sess. L. 2023-14 (S.B. 20) are impermissibly vague and lack a rational basis, in violation of the Fourteenth Amendment's Due Process Clause. Among the challenged provisions are (1) N.C. Sess. L. 2023-14, § 1.2, as amended by H. 190 (N.C. Gen. Stat. § 90-21.81A(a)), which makes it "unlawful after the twelfth week of a woman's pregnancy to procure or cause a miscarriage or abortion"; and (2) N.C. Sess. L. 2023-14, § 2.1 (N.C. Gen. Stat. § 90-21.82A(c)), which requires that abortions performed after the twelfth week

of pregnancy be performed in a hospital (the hospitalization requirement).

On June 21, 2023, Plaintiffs filed a Motion for Temporary Restraining Order and Preliminary Injunction (DE 11, 12) (“Plaintiffs’ Motion”) seeking to block the entirety of Part I and the hospitalization requirement of Part II.

On June 28, 2023, after briefing was complete, this Court held a hearing on Plaintiffs’ Motion for Temporary Restraining Order.

All Defendants and Intervenors hereby stipulate and agree that none of the provisions in Senate Bill 20 (Session Law 2023-14), codified in Article 1I of Chapter 90 of the General Statutes, impose civil, criminal, or professional liability on an individual who advises, procures, causes, or otherwise assists someone in obtaining a lawful out-of-state abortion. For the avoidance of doubt, this stipulation means that advising, procuring, causing, or otherwise assisting someone in obtaining a lawful out-of-state abortion is not a criminal offense under N.C. Gen. Stat. § 14-23.2.

All Defendants and Intervenors further stipulate and agree that any recent change in law dealing with a hospitalization for a victim of rape or incest seeking an abortion after 12 weeks (N.C. Gen. Stat. §§ 90-21.81B(3)), 90-21.82A(c)), will not take effect until October 1, 2023. Therefore, until that date, a qualified physician may perform an abortion after the twelfth week and through the twentieth week of a woman's pregnancy when the procedure is performed in a licensed abortion clinic and when the woman's pregnancy is a result of rape or incest.

Respectfully submitted this 29th day of June, 2023.

FOR ALL PLAINTIFFS:

/s/ Kristi Graunke

N.C. State Bar 51216

kgraunke@acluofnc.org

American Civil Liberties Union
of North Carolina Legal Foundation
P.O. Box 28004
Raleigh, NC 27611
Phone: 919-834-3466
Fax: 919-869-2075

FOR DEFENDANT ATTORNEY GENERAL
JOSHUA H. STEIN:

/s/ Sarah G. Boyce

Deputy Attorney General and
General Counsel

N.C. State Bar 56896
sboyce@ncdoj.gov

North Carolina Dept. of Justice
P.O. Box 629
Raleigh, NC 27602
Phone: 919-716-6900
Fax: 919-716-6758

FOR DEFENDANT DISTRICT
ATTORNEY JIM O'NEILL:

/s/ Kevin Guy Williams

N.C. State Bar 25760

kwilliams@belldavisritt.com

Bell Davis & Pitt, P.A.
P.O. Box. 21029
Winston-Salem, NC 27120-1029
Phone: 336-714-4150
Fax: 336-722-8153

FOR DEFENDANT SECRETARY KODY H.
KINSLEY:

/s/ Michael T. Wood

N.C. Stat Bar 32427

mwood@ncdoj.gov

North Carolina Dept. of Justice
P.O. Box 629
Raleigh, NC 27602
Phone: 919-716-6900
Fax: 919-716-6758

FOR DEFENDANTS DISTRICT
ATTORNEY TODD M. WILLIAMS, ET
AL.:

/s/ Elizabeth Curran O'Brien

N.C. State Bar 28885

eobrien@ncdoj.gov

North Carolina Dept. of Justice
P.O. Box 629
Raleigh, NC 27602

FOR DEFENDANTS MICHAUX R.
KILPATRICK, MD, PHD and RACQUEL
INGRAM, PHD, RN:

/s/ Michael E. Bulleri

N.C. State Bar 35196

mbulleri@ncdoj.gov

North Carolina Dept. of Justice
P.O. Box 629
Raleigh, NC 27602

Phone: 919-716-6900
Fax: 919-716-6758

Phone: 919-716-6900
Fax: 919-716-6758

FOR INTERVENOR-DEFENDANTS
SENATOR PHILIP E. BERGER AND
REPRESENTATIVE TIMOTHY K.
MOORE:

/s W. Ellis Boyle
N.C. State Bar 33826
weboyle@wardsmith.com

Ward & Smith, P.A.
P.O. Box 33009
Raleigh, NC 27636
Phone: 919-277-9187